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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,342	12/29/2000	Tal Isaac Lavian	10360-054001 / BA0367	8398
26181	7590	04/05/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	
			DATE MAILED: 04/05/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/753,342

Applicant(s)

LAVIAN ET AL.

Examiner

Jinsong Hu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leong et al. (US 6,393,475) in view of Komuro (US 6,195,678).
4. As per claim 1, Leong teaches the invention substantially as claimed including a method of performing network management on a network device [col. 1, lines 13-16] comprising:

receiving a request to perform a network management task on a network device [col. 3, lines 56-58; col. 6, lines 29-34]; and

executing the network management application corresponding to the requested network management task [Fig. 3; col. 3, lines 44-48].

5. Leong does not specifically teach the step of loading a network management application capable of performing the network management task onto the network device in response to the request.

6. However, Komuro on the other hand teaches the step of loading a network management application capable of performing the network management task onto the network device in response to the request [col. 4, lines 52-60]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Leong and Komuro because doing so would minimize the storage space and cost of the network device by downloading the management application only when the application is desired. One of ordinary skill in the art would have been motivated to modify Leong's system with Komuro's downloading step to reduce the storage space of the system.

7. As per claim 2, Leong teaches the step of providing a result from executing the network management application to a network management system used to manage the network [col. 15, lines 58-58].

8. As per claim 3, Leong teaches the step of broadcasting a result from executing the network management application over a network to other network devices capable of monitoring and processing the result [col. 14, lines 32-39].

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9. As per claims 4 and 5, Komuro teaches the step of accessing an application server having the network management application capable of performing the network management task; and downloading the network management application over a network from the application server to the network device [col. 5, lines 53-62; col. 5, lines 23-35].

10. As per claims 7-11, since they are system claims of claims 1-5, they are rejected for the same basis as claims 1-5 above.

11. As per claims 13-15, since they are apparatus, manufacture and program claims of claim 1, they are rejected for the same basis as claim 1 above.

12. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leong et al. (US 6,393,475) in view of Komuro (US 6,195,678), further in view of Sugiyama et al. (US 6,574,662).

13. As per claims 6 and 12, Leong teaches the request includes various management task [col. 13, lines 56-62]. However, both Leong and Komuro do not teach the request includes monitoring the traffic on a nearby network.

14. Sugiyama on the other hand teaches the step of monitoring the traffic on a nearby network [col. 13, lines 17-25]. It would have been obvious to a person of

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ordinary skill in the art at the time the invention was made to combine the teaching of Leong/Komuro and Sugiyama based on logical reason. Because monitoring the network traffic is one of the basic functions in a network management system for maintaining the network normal performance. One of ordinary skill in the art would have been motivated to modify the combination system of Leong/Komuro with Sugiyama's monitoring step to improve the functionality of the system.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Beser et al. (US 6,275,853) discloses a network management system;

Kiriha et al. (US 6,490,255) discloses a network management system;

Robinson et al. (US 6,570,867) discloses a route and path management system;

and

Provencher et al. (US 6,639,910) discloses a network devices system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for Group 2100 is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

March 29, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100